IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

**

S.B.CIVIL MISC. APPEAL NO.170/1999
(Rajesh Vs. Hoti Lal and ors.)

Date of Judgment : 17-03-2009

HON'BLE MR.JUSTICE GUMAN SINGH

Mr.KN Tiwari,for the appellants.
Mr.V.S.Yadav, for the respondents.

Heard learned counsel for the parties.

2. This appeal has been preferred on behalf of appellant-claimant Rajesh Kumar for enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Jaipur (Rajasthan Cooperative Tribunal, Jaipur) vide judgment dated 30.11.1998 whereby a sum of Rs.30,000/- was awarded by way of compensation for 16% permanent disability sustained on account of injuries caused in the accident.

3. The challenge in the appeal pertains to quantum of compensation only.

4. Learned counsel for the appellant submits that the learned Tribunal has failed to award adequate compensation and same deserves to be awarded by taking second

schedule to the M.V.Act as guideline.

5. Per contra, learned counsel for the respondents supported the judgment of the Tribunal and submitted that the learned Tribunal has taken into consideration evidence adduced during inquiry and has awarded adequate compensation and calls for no interference.

6. After hearing the rival contentions, and going through the award as also record of the case, it is revealed that the injured is 16 years of young boy and, as such, his income can be taken to be as RS.15,000/- per annum and by adopting the appropriate multiplier of 16, commensurating with the percentage of disability, the compensation can be computed as under:

15000 x 16 x 15% (disability)= 38400-10,000 (already awarded by the Tribunal)= 28,400/- (to be additionally awarded).

7. Accordingly, appeal of the appellants is partly allowed and the Award passed by the learned Tribunal is modified to the extent

that the appellants shall get a sum of Rs.28,400/- by way of additional enhanced compensation from the date of appeal i.e. 8.2.99, with 6% interest to be paid within three months. Thereafter interest shall be paid @9% per annum. The rest of the terms of award shall remain unchanged. Record be sent forthwith.

(GUMAN SINGH),J.

Sandeep/-
item no.35